

JUDGE BAER

07 CIV 8120

Elliott J. Stein (ES4378)

STEVENS & LEE

A Pennsylvania Professional Corporation

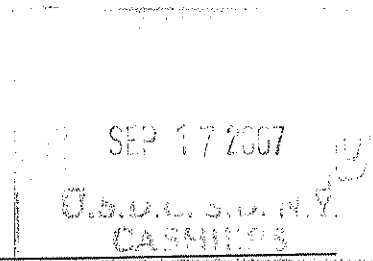
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Attorneys for Defendant

Control Solutions, Inc.



**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PETALS DECORATIVE ACCENTS LLC,)

Plaintiff,)

v.)

THE ELEVATION GROUP, LLC,)
CONTROL SOLUTIONS, INC.,)
IMAGESOFT, INC., TONY YENIDJELIAN)
and DINESH BAKHRU.)

Defendants.)

Case No.: 07cv8120 (HB)
ECF CASE

NOTICE OF REMOVAL

Defendant Control Solutions, Inc. ("Control Solutions"), by and through their undersigned counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby timely file this Notice of Removal of this action to the United States District Court for the Southern District of New York, and respectfully state the following:

1. On or about August 14, 2007, Plaintiff filed a civil action against Defendants in the Supreme Court of the State of New York, County of New York, Index No. 602741/07.

2. Defendant Control Solution first received the Summons and Complaint from Plaintiff on August 20, 2007.

3. The Supreme Court of the State of New York, County of New York lies within the United States District Court for the Southern District of New York.

4. Defendant files this Notice of Removal within thirty (30) days of their receipt of the Summons and Complaint.

5. The United States District Court for the Southern District of New York has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1332 on the basis of diversity of citizenship.

6. Plaintiff's Complaint alleges six causes of action under New York law allegedly arising from an agreement to provide computer technology consulting services and the design and implementation of a computer system for Plaintiff. Those causes of action are for breach of contract, breach of contract, breach of contract-plaintiff as third party beneficiary, breach of fiduciary duty, fraudulent inducement, and lost profits.

7. There is complete diversity of citizenship between Plaintiff and Defendants pursuant to 28 U.S.C. § 1332(a) and (c)(1), and the amount in controversy exceeds \$75,000.00 on the face of the Complaint. In particular:

a) Plaintiff alleges that it is a foreign corporation duly organized and existing in accordance with the laws of the State of Delaware, and its principal place of business is at 90 Grove Street, Ridgefield, Connecticut 06887;

b) Defendant Elevation Group, LLC is incorporated under the laws of the State of New York, and its principal place of business is at 2571 Baglyos Circle, Suite B-33 Bethlehem, Pennsylvania;

c) Defendant Control Solutions, Inc. is incorporated under the laws of the State of New Jersey, and its principal place of business is at 10 County Line Road, North Branch, New Jersey 08876;

d) Defendant Imagesoft, Inc. is incorporated under the laws of the State of New York, and its principal place of business is at 22 IBM Road, Suite 104B, Poughkeepsie, New York;

e) Upon information and belief, Defendant Tony Yenidjeian is an individual who is a citizen of the State of New Jersey. Control Solutions is unaware of Defendant Yenidjeian's address;

f) Upon information and belief, Defendant Dinesh Bakhru is an individual who is a citizen of the State of New Jersey. Control Solutions is unaware of Defendant Bakhru's address; and

g) Plaintiff seeks damages in the amount of \$2,000,000 for each count of the Complaint for a total amount of \$12,000,000 in damages.

8. Accordingly, federal diversity jurisdiction exists, and the entire action may be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

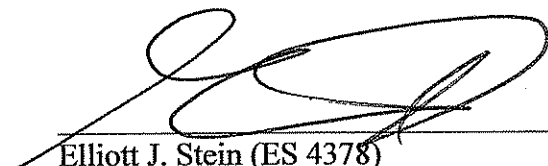
9. As required by 28 U.S.C. § 1446(b), Defendants have attached to this Notice of Removal copies of all processes and pleadings received by Defendants in this action. These processes and pleadings are attached as follows:

<u>Document</u>	<u>Exhibit</u>
Complaint	1
Summons	2

10. As required by 28 U.S.C. § 1446(d), copies of this Notice of Removal are this day being served upon all adverse parties and are being filed with the Clerk of the Supreme Court of the State of New York, County of New York.

WHEREFORE, Defendant Control Solutions, Inc. respectfully requests this civil action be removed to this United States District Court for the Southern District of New York.

Dated: September 12, 2007



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